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Peter Gysi

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EXAMINER

CADUGAN, ERICA E

ART UNIT

PAPER NUMBER

3726

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/556,660	Applicant(s) GYSI ET AL.	
	Examiner Erica E. Cadugan	Art Unit 3726	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12, 14, 15, 18 and 19 is/are pending in the application.
- 4a) Of the above claim(s) 1, 6-8, 10-12 and 19 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5, 9, 14, 15 and 18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Election/Restrictions

2. Claims 1, 6-8, 10-12, and 19 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made in the reply filed on August 19, 2009 in combination with the interview of November 17, 2009. Because applicant did not distinctly and specifically point out any supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 2-5, 9, 14-15, and 18 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Each of claims 2 and 18 as amended now set forth “at least two” conveyor belts. However, it is noted that the addition of the “at least” language to now recite “at least two” conveyor belts serves to set forth a range having no upper limit. The specification as originally

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filed does not appear to provide support for a number of the conveyor belts other than two, and particularly does not appear to provide support for a range of conveyor belts having no upper limit. See MPEP section 2163.05, section III titled “Range Limitations”, for example.

A similar situation exists in claim 4 with the limitations “wherein at least one of the plurality of processing stations is a drawing processing station...” and “wherein at least one of said processing stations is a sealing station...”, and in claim 9 with the limitations “wherein at least one of the plurality of processing stations is a coining station...” and “wherein at least one of the processing stations is a bending station...”. While the specification as originally filed (in original claims 3 and 14) provides support for there being “at least one stamping station”, and for the cover having “at least one ...opening” and “at least one ...foil” (claim 16), the specification as originally filed does not appear to provide support for a range of drawing processing stations or a range of sealing processing stations having no upper limit, as is now set forth in claim 4 via the “at least one” limitation. Similarly, likewise, the specification as originally filed does not appear to provide support for a range of “coining stations” or a range of “bending stations” having no upper limit as is now set forth in claim 9 via the “at least one” limitation.

Similarly, the specification as originally filed does not appear to support for a range of "sealing processing stations" having no upper limit, as is now set forth in claim 14 in the limitation "wherein the plurality of processing devices comprises...at least one sealing processing station..." via the “at least one” verbiage.

Similarly, the specification as originally filed does not appear to support for a range of "drawing processing stations" having no upper limit, as is now set forth in claim 18 in the

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limitation "wherein at least one of the plurality of processing devices is a drawing station... via the "at least one" verbiage.

Similarly, the specification as originally filed does not appear to support for a range of "sealing processing stations" having no upper limit, as is now set forth in claim 18 in the limitation "wherein at least one of the plurality of processing devices is a sealing processing station... via the "at least one" verbiage.

5. Claim 5 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The limitation "the sealing processing station" lacks sufficient antecedent basis in claim 5 (previously "at least one...").

Claim Rejections - 35 USC § 102

6. Claims 2 and 15, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,112,389 to Boltshauser.

Boltshauser teaches a processing device including an "advancing mechanism" that includes at least belts 8 and 5 (see Figure 5) that advance a "single row succession of objects" in the form of cans 3 in an "advancement direction" (i.e., along the path followed by the cans as they are advanced by the conveyor belt 8, then along the path they are sent by element 10, and again toward the right as they are advanced by the conveyor belt 5 (see at least Figure 5 and col. 9, lines 9-34, for example).

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Note that the processing stations 1 and 4 are considered to be “each equipped for the processing of a single object at a time”, as broadly claimed, noting that the conveying arrangement shown in Figure 5 only conveys an area of objects that is one object wide into the processing stations, and since the device is capable of so functioning to "process a single object at a time" simply by providing the objects 3 with enough space (in the advancing direction) therebetween such that only one of them is fed "at a time" to be processed in the processing stations 1, 4. Note that all that is necessary to meet the limitation “wherein each of the plurality of processing stations is equipped to process a single object at a time” is that the processing stations be capable of performing the function of processing a single object at a time, which the processing stations taught by Boltshauser are, as just described.

Additionally, as broadly set forth in the claim, the “advancing arrangement” taught by Boltshauser is comprised of two conveyor belts 5, 8 that are arranged parallel to one another (as shown in Figure 5). These belts are considered to be driven in synchronism, at least in that they must be “synchronized” to operate at the same time in order for the arrangement to operate as intended, i.e., if belt 8 was operated and belt 5 was not, then cans 3 would back up and eventually fall on the floor; see Figure 5.

Additionally regarding “the object receivers” and also regarding claim 15, note that "individual object receivers" that are "formed by opposed holding means" are arranged on the conveyor belts 5, 8, noting that each conveyor belt 5, 8 includes "object receivers" thereon that include magnetic pallets 7 that each receive one of the objects 3 and that also include magnets 6 located "on" the lower side of the belts that "oppose" the magnetic pallets 7 to help hold the

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pallets, and thus the objects 3 affixed thereto, to the respective conveyor (see Figure 5, see also at least col. 9, lines 9-34, for example).

7. Claim 2 is rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 6,122,821 to Dornieden et al.

Dornieden et al. teaches a processing device including a number of processing stations 2 that are arranged in succession along an advancement direction D (see Figure 1), wherein an “advancing mechanism” 4 is provided for advancing a “single row succession” of objects (such as workpieces 6; see Figures 2 and 4, noting that Figure 4 is a sectional view taken along line IV-IV of Figure 2) to the processing stations 2, which are thus considered to be “equipped for” processing the single object “at a time” advanced thereto (see Figure 1).

Also, note that the advancing arrangement includes two parallel conveyor belts 14 (see Figures 3 and 4, also see col. 3, line 66 through col. 4, line 6, for example), which belts are driven in “synchronism” via motor 8, belt 38, and pulley 28 (see Figures 1 and 3, see also col. 3, line 66 through col. 4, line 2).

Note that on the conveyor belts 14, the individual object receivers 5 include, and are thus at least in some sense “formed by”, “opposed” holding means, such as two of the teeth 15 that are on opposite ends of 5 which “hold” the holder 5 on the belt 14 (see Figure 2a), or alternatively, such as the guide shoe 24 which helps “hold” the receiver 5 on the rail 24, and which is on an opposite side of the receiver (and is thus “opposed” to 37) from metallic insert 37 that has a seat that can fit the end of a retaining element 26 of a retaining mechanism 25 to “hold” the receiver 5 in a station 2 (see col. 4, lines 40-53 and Figure 4).

Claim Rejections - 35 USC § 103

8. Claims 2-5, 9, 14, and 18, any of which were rejected under 35 USC 112 above are as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (hereinafter AAPA) shown in Figures 1 and 2 (both labeled as "Prior Art"), as well as in paragraph 0014 of the specification as originally filed, and further in view of U.S. Pat. No. 6,122,821 to Dornieden et al.

AAPA teaches a processing device (shown in Figure 1) that includes an "advancing mechanism" 10, 13, 14 that advances objects in the advancement direction C (see Figure 1 and paragraph 0014), wherein a plurality of processing stations (any ones of 3-9, for example, see Figure 1 and paragraph 0014) are arranged in succession along the advancement direction C.

It is noted that, as broadly claimed, the processing stations are each "equipped for" performing the claimed intended use of the "processing of a single object at a time", merely by only feeding one object to one set of tooling, i.e., just because the admitted prior art in Figure 2 teaches that plural sets of tools 36, 37 are present does not prevent the device from being used where only a single set of the tools are used at a time (by not feeding work to more than one set of the tools). Similarly, the "advancing device" is considered to be capable of performing the claimed intended use of "advancing a single row succession of objects" by only providing a single row of objects to be advanced thereto.

Regarding claim 3, note that the arrangement of Figure 1 is described in the first sentence of paragraph 0014 as being "for the production of metal covers with tear away foils", and paragraph 0014 additionally teaches that "[I]n the first processing station 3 of Fig. 1 by a stamping process using upper and lower work tools an opening is stamped in the disk, which is

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visible in Fig. 4, in which a figure the edge of the opening is indicated at 21 and the stamped out round disk is indicated at 27".

Regarding claim 4 (and claim 18), re the claimed "drawing processing station, AAPA additionally teaches (in paragraph 0014) that "[A]t the processing station 14 a drawing of the edge 21 downwardly takes place whereby the development of the edge to that as shown in Fig. 5 takes place".

Also regarding claim 4 (and claim 18) and the claimed "sealing processing station for applying a tear-off foil over the hole", AAPA, in paragraph 0014, teaches the following:

The circularly shaped cover blank 20 moves then to the processing station 5, in which a foil 25 is placed over the opening of the cover 20 and is there fastened to the cover by way of heat sealing, as is to be seen in Figs. 6 and 7. The metal foil 25 is provided in a known way with a plastic film on its underside. The needed round foil blank 25 as a rule is stamped in station 5 from a wide foil web and is placed over the middle aperture of the circularly shaped disk and by way of the heat sealing station the foil under the effect of heat is pressed onto the round aperture of the part 20 so that the foil 25 is connected to the metal cover 20 by the melting and subsequent cooling of the plastic layer. This is known and is not described in further detail here.

Re claim 5, note that the aforescribed passage from paragraph 0014 regarding the sealing station 5 indicates that the blank is stamped in station 5 from a wide foil web and then sealed over the previously-punched hole in station 5.

Re claim 9, note that AAPA, in paragraph 0014, additionally teaches that "[I]n the processing station 8 the foil 25 is provided with a coining processing , and the edge 22 is further flanged into the finished edge 23", thus teaching that station 8 is a coining and bending (to perform the flanging operation) station.

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Additionally, regarding claim 18 and the newly-added limitations re the upper and lower work tool carriers and the plurality of columns for supporting the upper work tool, note that paragraph 0014 teaches the following:

FIG. 2 shows this for the stamping processing station 3, wherein a known stamping device is illustrated. This device includes four supporting columns 32, of which those located behind the illustrated supporting columns in the viewing direction are not visible. Arranged on these supporting columns are the upper work tool carrier 31 and the lower work tool carrier 30, which respectively carry the upper stamping tools 36 and the lower stamping tools 37.

AAPA teaches all aspects of the presently-claimed invention as set forth above, but does not teach the “two conveyor belts arranged parallel to one another and driven in synchronism, on which conveyor belts individual object receivers are formed by opposed holding means” as set forth in claims 2 and 18.

However, Dornieden teaches such an advancing arrangement, as described in detail in the rejection under 35 USC 102(b) based thereon above. (See previous 102 rejection for details).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have substituted the conveyor-type advancing arrangement that advances work receivers to multiple stations in succession taught by Dornieden for the advancing arrangement 10, 13, 14 taught by AAPA for the purpose of providing an advancing arrangement that is “an extremely simple system which, while ensuring perfectly synchronous movement and exact positioning of the holders as they move through the work stations”, that “allows holders to be added to or taken out of the queue upstream of the holding station”, and for the purpose of providing a system that is “extremely simple to operate, control, and service and extending the conveyor downstream is a simple matter of adding on another section, with the belts of the new section simply interleaved with the belts of the existing section and spanned

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over the downstream wheel or roller of the existing section” as taught by Dornieden (col. 2, lines 55-64).

Response to Arguments

9. Applicant's arguments filed March 22, 2010 have been fully considered but they are not persuasive.

10. Firstly, regarding the rejection under 35 USC 102(b) based on U.S. Pat. No. 6,112,389 to Boltshauser, Applicant has asserted the following:

First, Boltshauser does not show or disclose two conveyor belts arranged parallel to one another and driven in synchronism, as is recited in amended claim 2. Although Figure 5 of Boltshauser shows two belt conveyors 5, 8, Boltshauser does not disclose that these belts are driven in synchronism. The belt conveyors 5, 8 shown in Boltshauser are driven by different sets of rollers that are not axially co-aligned (*see* Boltshauser, FIG. 5), and nothing in Boltshauser requires that belts 5, 8 are driven in synchronism. Indeed, the system shown in Figure 5 could operate sufficiently, or even optimally, if belt conveyor 8 was driven at a higher rate of speed than belt conveyor 5, for example.

However, this is not persuasive.

First off, note that the limitation “driven in synchronism” is a functional limitation that relates to how the belts are operated, used, or to how they function. Note that in an apparatus claim, a functional limitation of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the function, then it meets the claim.

In the present circumstance, as noted in both the preceding and present Office Actions, the two conveyor belts 5, 8 taught by Boltshauser "are considered to be driven in synchronism, at least in that they must be 'synchronized' to operate at the same time in order for the arrangement

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to operate as intended, i.e., if belt 8 was operated and belt 5 was not, then cans 3 would back up and eventually fall on the floor; see Figure 5”.

Additionally, regarding Applicant’s assertion that the Boltshauser arrangement differs from present claim 2 because the “belt conveyors 5, 8 shown in Boltshauser are driven by different sets of rollers that are not axially co-aligned (*see* Boltshauser), note that there is nothing in the present claim language that limits the claims to an arrangement wherein the belts are not driven by different sets of rollers, nor that limits the present claims to an arrangement wherein such rollers are “axially co-aligned” as asserted. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In the event that the “axially co-aligned” assertion was intended to imply that the belts taught by Boltshauser are not parallel, attention is directed to at least Figure 5, noting that belt 5 is offset from belt 8 in a direction perpendicular to the direction of advance 9, such that the belts are parallel (i.e., they are parallel as viewed along a vertical line of sight from above the arrangement shown in Figure 5, for example).

Additionally, regarding Applicant’s assertions that the device in Boltshauser does not meet the present claim language because in Boltshauser, the belts “could operate sufficiently, or even optimally, if belt conveyor 8 was driven at a higher rate of speed than belt conveyor 5, for example”, it is noted that such does not appear to be relevant to the present claim language, noting that no speeds of the belts are set forth in the rejected claim(s). Note that the belts are considered to be capable of performing the function of being “driven in synchronism” in that they are capable of being driven at the same time as described in the rejection based on the

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Boltshauser reference. Further note that the claims in question are apparatus claims, and not method claims, such that even if Applicant were to limit the claims to conveyor belts that were driven at the same speed (and assuming that such has support in the specification as originally filed), it is noted that in an apparatus claim, all that would be necessary to meet such a functional limitation would be an arrangement wherein two conveyor belts were capable of performing the claimed function or intended use of being driven at the same speed, as opposed to method claims wherein the actual method step of being driven at the same speed would carry different weight.

11. Additionally, Applicant (on page 10 of the response submitted March 22, 2009) has asserted the following:

Second, Applicants submit that Boltshauser fails to show or disclose a plurality of individual object receivers formed on the conveyor belts by opposed holding means, as are recited in independent claim 2. Pursuant to 35 U.S.C. §112, sixth paragraph, claims in the "means-plus" format are to be "construed to cover the corresponding structure described in the specification and equivalents thereof." *See* M.P.E.P. § 2181, *citing In re Donaldson Co.*, 16 F.3d 1189, 1195, 29 U.S.P.Q.2d 1845, 1850 (Fed Cir. 1994) (en banc). In view of the structures described in the specification (*see, e.g.*, Application, para. 0027), Applicants submit that the magnets 6 of Boltshauser are not "opposed holding means," as the term is used in the Application. For example, paragraph 0027 and Figure 14 show opposed holding means 78, 79 mounted to a conveyor belt which mate with covers along their perimeters. Furthermore, the magnets 6 of Boltshauser are "stationary" and "at the lower side of the belt 5" (Boltshauser, col. 9, lines 13-15), and do not form a plurality of individual object receivers on at least two conveyor belts arranged parallel to one another and driven in synchronism, as is recited in amended claim 2.

However, this is not persuasive for a number of reasons.

First off, Applicant is asserting that the limitation "wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means" is a limitation that is in accordance with 35 USC 112, 6th paragraph.

However, this is not the case.

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Note that the limitation does not use the phrase “means for” modified by any “functional language” in accordance with 35 USC 112, 6th paragraph (see also MPEP section 2181).

Furthermore, even assuming that Applicant modified the limitation to include the “means for” performing a function language (or somehow successfully argued that the term “holding means” was in accordance with 35 USC 112, 6th paragraph), it is noted that the following is a quotation of the sixth paragraph of 35 U.S.C. 112:

An element in a claim for a combination may be expressed as a means or step for performing a specified function without the recital of structure, material, or acts in support thereof, and such a claim shall be construed to cover the corresponding structure, material, or acts described in the specification and equivalents thereof.

35 U.S.C. 112, 6th paragraph clearly states that means-plus-function language will only be interpreted to be limited to disclosed structure, material, or acts when the claim does not recite structure, material, or acts.

In the instant case, in claim 2, applicant claims “opposed holding means” and further recites structure to limit a “opposed holding means”, to “a plurality of individual object receivers” that are “opposed” in claim 2. Therefore, at least for this further reasoning, in the instant case, applicant’s limitation in claim 2 of “holding means” does not constitute language which is in accordance with 35 USC 112, 6th paragraph. Additionally note that claim 15 recites further structure of the "holding means", indicating that they are "magnetic" holding means, which further structural limitation would further serve to preclude the limitation in claim 15 from being considered to be a limitation in accordance with 35 USC 112, 6th paragraph.

Additionally, regarding the assertion that “[F]urthermore, the magnets 6 of Boltshauser are “stationary” and “at the lower side of the belt 5” (Boltshauser, col. 9, lines 13-15), and do not form a plurality of individual object receivers on at least two conveyor belts arranged parallel to one another and driven in synchronism, as is recited in amended claim 2”, first off, it is noted

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that claim 2 recites “wherein the advancing mechanism...comprises at least two conveyor belts arranged parallel to one another and driven in synchronism, wherein a plurality of individual object receivers are formed on the conveyor belts by opposed holding means”.

As broadly claimed, Boltshauser teaches this limitation, noting that "individual object receivers" that are "formed by opposed holding means" are arranged on the conveyor belts 5, 8, noting that each conveyor belt 5, 8 includes "object receivers" thereon that include magnetic pallets 7 that each receive one of the objects 3 and that also include magnets 6 located "on" the lower side of the belts that "oppose" the magnetic pallets 7 to help hold the pallets, and thus the objects 3 affixed thereto, to the respective conveyor(see Figure 5, see also at least col. 9, lines 9-34, for example).

Applicant appears to be asserting that their claim is somehow limited to an arrangement wherein one holder is arranged on one belt, another holder is arranged on the other parallel belt, and that these holders together at the same time directly contact and hold the object, i.e., that holders from the two conveyor belts act together to directly hold the same object at the same time. However, there is no language in any of the claims that so limits the claims.

12. Additionally, Applicant (on pages 10-11 of the response of March 22, 2010) has asserted that Boltshauser does not anticipate claim 2 because Boltshauser does not teach that “each of the plurality of processing stations is adapted to process a single object at a time”. Applicant appears to base this argument on the fact that the processing stations in Boltshauser are capable of processing more than a single object at a time.

However, this is not persuasive.

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Again, it is noted that the present claims (including claim 2) are apparatus claims rather than method claims. What claim 2 sets forth is a limitation stating “wherein each of the plurality of processing stations is equipped to process a single object at a time”. Note that this is not a method claim with a positively recited method step of only processing a single object at a time, but instead, an apparatus claim wherein the processing stations are equipped such that they are capable of processing a single object at a time, again noting that in an apparatus claim, a functional limitation of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the function, then it meets the claim.

In the instant circumstance, the Boltshauser reference is considered to meet the present claim limitation in question, noting that the processing stations 1 and 4 are considered to be “each equipped for the processing of a single object at a time”, as broadly now claimed, noting that the conveying arrangement shown in Figure 5 only conveys an area of objects that is one object wide into the processing stations, and since the device is capable of so functioning to “process a single object at a time” simply by providing the objects 3 with enough space (in the advancing direction) therebetween such that only one of them is fed “at a time” to be processed in the processing stations 1, 4. Note that all that is necessary to meet the limitation “wherein each of the plurality of processing stations is equipped to process a single object at a time” is that the processing stations be capable of performing the function of processing a single object at a time, which the processing stations taught by Boltshauser are, as just described.

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The fact that Boltshauser teaches that the device is capable of processing multiple objects at a time does not change the fact that it is also capable of processing a single object at a time, simply by only feeding one object at a time into a particular processing station, as previously described, and thus Boltshauser meets the present claim language.

13. Regarding the rejections under the Dornieden reference (U.S. Pat. No. 6,122,821), Applicant (on page 12 of the March 22, 2010 response) is again asserting that the “opposed holding means” language is language in accordance with 35 USC 112, 6th paragraph (see Applicant’s assertion that “Applicants submit that these elements are not ‘opposed holding means’ as that term is used in the present Application, and that Dornieden fails to show or disclose ‘the corresponding structure described in the specification and equivalents thereof.’ *See* M.P.E.P. § 2181”). However, as already noted above in detail, the limitation(s) in question are not limitations that are properly in accordance with 35 USC 112, 6th paragraph, and thus the limitations are given their plain meaning or broadest reasonable interpretation, which is met by Dornieden as set forth in detail in the above (and previous) rejection(s) based thereon.

14. Regarding the rejection of claim 2 under 35 USC 102(a) as anticipated by AAPA, (which is now an obviousness rejection under 35 USC 103 with AAPA in combination with Dornieden due to the newly-added limitations from claim 13 into claim 2), Applicant has asserted that AAPA doesn’t meet the present claim language “wherein each of the plurality of processing stations is equipped to process a single object at a time” because the arrangement taught by AAPA explicitly shows the processing of more than one object at a time.

However, this is not persuasive.

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It is noted that, as broadly claimed, the processing stations are each “equipped for” performing the claimed intended use of the “processing of a single object at a time”, merely by only feeding one object to one set of tooling, i.e., just because the admitted prior art in Figure 2 teaches that plural sets of tools 36, 37 are present does not prevent the device from being used where only a single set of the tools are used at a time (by not feeding work to more than one set of the tools). Similarly, the “advancing device” is considered to be capable of performing the claimed intended use of “advancing a single row succession of objects” by only providing a single row of objects to be advanced thereto.

In other words, the fact that the device taught by AAPA is capable of performing the claimed function or intended use of processing more than a single object at a time does not change the fact that it is also inherently capable (simply by only feeding a single workpiece to only a single set of the tools at one time) of being used to process a single workpiece at one time, thus meeting the claim language.

Again, it is noted that the present claims (including claim 2) are apparatus claims rather than method claims. What claim 2 sets forth is a limitation stating “wherein each of the plurality of processing stations is equipped to process a single object at a time”. Note that this is not a method claim with a positively recited method step of only processing a single object at a time, but instead, an apparatus claim wherein the processing stations are equipped such that they are capable of processing a single object at a time, again noting that in an apparatus claim, a functional limitation of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from

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the prior art. If the prior art structure is capable of performing the function, then it meets the claim.

15. Re the rejections based on the combination of AAPA and the Dornieden reference, as set forth on page 14 of the response of March 22, 2010, Applicant is again asserting that the "opposed holding means" limitation is a limitation in accordance with 35 USC 112, 6th paragraph (see the paragraph at the top of page 14 of the March 22, 2010 response, and particularly the portion that indicates that neither AAPA nor Dornieden teaches or suggests "the corresponding structure described in the specification and equivalents thereof" and refers to MPEP section 2181, which relates to 35 USC 112, 6th paragraph and means-plus-function limitations), it is again noted that, as already noted above in detail, the limitation(s) in question are not limitations that are properly in accordance with 35 USC 112, 6th paragraph, and thus, the limitations are given their plain meaning or broadest reasonable interpretation, which is met by Dornieden as set forth in detail in the above (and previous) rejection(s) based thereon.

Conclusion

16. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. For example, note that DE 4315416 (DE '416) teaches an arrangement with plural processing stations (see the next to last paragraph of the machine translation, for example), wherein there is an advancing arrangement including parallel conveyor belts 5 with opposed holding means 18 that hold individual objects 14. Noting that DE '416 explicitly teaches discontinuous feed of objects 14 (see the last page of the machine translation), and shows feeding (in direction 4) a single row of objects (Figure 3), the described processing stations are considered to be capable of processing a "single object" 14 "at a time" simply by

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discontinuously feeding one object 14 through the described processing stations and then feeding another object. Additionally, the holding arrangement for the objects 14 utilizes a permanent magnet system 19 which includes magnets 20, 21 (see Figure 6, which is a cross section along line VI-VI of Figure 1, and also at least the third page of the machine translation, and particularly the paragraphs towards the top of the page beginning “[A]dditional one a made...” and “[T]here is the possibility...”).

17. Applicant's amendment necessitated any new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Erica E. Cadugan whose telephone number is (571) 272-4474. The examiner can normally be reached on Monday-Thursday, 5:30 a.m. to 4:00 p.m..

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David P. Bryant can be reached on (571) 272-4526. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Erica E Cadugan/
Primary Examiner
Art Unit 3726

eec
June 17, 2010